

Introduced by Senator Escutia

February 5, 2003

An act to amend Section 68502.5 of the Government Code, relating to trial courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 129, as introduced, Escutia. Trial courts: budget process.

Existing law authorizes the Judicial Council to include in its trial court budget process any of a list of 11 actions, including receipt and review of trial courts' budget requests and the allocation and reallocation of funds.

This bill would require the Judicial Council to include all 11 of those actions in its trial court budget process.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 68502.5 of the Government Code is
2 amended to read:

3 68502.5. (a) The Judicial Council may, as part of its trial
4 court budget process, seek input from groups and individuals as it
5 deems appropriate including, but not limited to, advisory
6 committees and the Administrative Director of the Courts. The
7 trial court budget process ~~may~~ *shall* include, but ~~is~~ *need not be*
8 limited to, the following:

9 (1) The receipt of budget requests from the trial courts.

10 (2) The review of the trial courts' budget requests and ~~evaluate~~
11 *an evaluation of* them against performance criteria established by

1 the Judicial Council by which a court's performance, level of
2 coordination, and efficiency can be measured.

3 (3) The annual adoption of the projected cost in the subsequent
4 fiscal year of court operations as defined in Section 77003 for each
5 trial court. This estimation shall serve as a basis for recommended
6 court budgets, which shall be developed for comparison purposes
7 and to delineate funding responsibilities.

8 (4) The annual approval of a schedule for the allocation of
9 moneys to individual courts and an overall trial court budget for
10 forwarding to the Governor for inclusion in the Governor's
11 proposed ~~State Budget~~ *annual budget*. The schedule shall be based
12 on the performance criteria established pursuant to paragraph (2),
13 on a minimum standard established by the Judicial Council for the
14 operation and staffing of all trial court operations, and on any other
15 factors as determined by the Judicial Council. This minimum
16 standard shall be modeled on court operations using all reasonable
17 and available measures to increase court efficiency. The schedule
18 of allocations shall assure that all trial courts receive funding for
19 the minimum operating and staffing standards before funding
20 operating and staffing requests above the minimum standards, and
21 shall include incentives and rewards for any trial court's
22 implementation of efficiencies and cost saving measures.

23 (5) The reallocation of funds during the course of the fiscal year
24 to ensure equal access to the trial courts by the public, to improve
25 trial court operations, and to meet trial court emergencies. Neither
26 the state nor the counties ~~shall~~ have any obligation to replace
27 moneys appropriated for trial courts and reallocated pursuant to
28 this paragraph.

29 (6) The allocation of funds in the Trial Court Improvement
30 Fund to ensure equal access to trial courts by the public, to improve
31 trial court operations, and to meet trial court emergencies.

32 (7) Upon approval of the trial courts' budget by the Legislature,
33 the preparation during the course of the fiscal year of allocation
34 schedules for payments to the trial courts, consistent with Section
35 68085, which shall be submitted to the Controller's office at least
36 15 days before the due date of any allocation.

37 (8) The establishment of rules regarding a court's authority to
38 transfer trial court funding moneys from one functional category
39 to another in order to address needs in any functional category.

1 (9) At the request of the presiding judge of a trial court, an
2 independent review of the funding level of the court to determine
3 whether it is adequate to enable the court to discharge its statutory
4 and constitutional responsibilities.

5 (10) From time to time, a review of the level of fees charged by
6 the courts for various services and ~~prepare~~ *preparation of*
7 recommended adjustments for forwarding to the Legislature.

8 (11) Provisions set forth in rules adopted pursuant to Section
9 ~~77206 of the Government Code.~~

10 (b) Courts and counties shall establish procedures to allow for
11 the sharing of information as it relates to approved budget
12 proposals and expenditures that impact the respective court and
13 county budgets. The procedures shall include, upon the request of
14 a court or county, that a respective court or county shall provide
15 the requesting court or county a copy of its approved budget and,
16 to the extent possible, approved program expenditure component
17 information and a description of budget changes that are
18 anticipated to have an impact on the requesting court or county.
19 The Judicial Council shall provide to the Legislature on December
20 31, 2001, and yearly thereafter, budget expenditure data at the
21 program component level for each court.

22 (c) The Judicial Council shall retain the ultimate responsibility
23 to adopt a budget and allocate funding for the trial courts and
24 perform the other activities listed in subdivision (a) that best assure
25 their ability to carry out their functions, promote implementation
26 of statewide policies, and promote the immediate implementation
27 of efficiencies and cost saving measures in court operations, in
28 order to guarantee equal access to the courts.

